

Applicant : Kevin G. Jiang
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10559-003004 / P6716D3

REMARKS

Claims 18-22 are pending. Applicant thanks the examiner for taking time to discuss the outstanding Office Action with Applicant's attorney, Fred Hernandez, on August 17, 2004. Applicant received the Interview Summary mailed August 18, 2004 in which the examiner stated that "applicants' arguments are persuasive in overcoming the prior rejections." In accordance with that discussion, and in view of the present remarks, reconsideration of the rejections set forth in the Office Action dated May 24, 2004 is respectfully requested. The following also summarizes the content of the interview.

Allowed/Allowable Claims

In the office action, the examiner indicated claim 21 as allowable and indicated that claim 19 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has added new claim 22, which includes all of the limitations of claims 19 and its base claim 18. Applicant respectfully submits that claims 21 and 22 are in condition for allowance.

Claim Rejections - 35 U.S.C. §102

Claims 18 and 20 stand rejected under 35 U.S.C. §102(e) as allegedly anticipated by Tirrell et al. (US PAT. 5828,546). As discussed in the interview, Tirrell fails to teach or suggest securing a carrier to a peripheral bay chassis by rotating a lever to a closed position to extend an upper engagement point of the lever beyond the uppermost surface of the base and engage the peripheral bay chassis.

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Tirrell shows an ejector lever 10 that moves between an open and closed position. However, the upper engagement point of the ejector lever 10 cannot engage the chassis 50. To the contrary, the only portions of the ejector lever 10 that can contact the chassis 50 are the locking tab 10d and the bottom lip 10c, which only contacts the chassis during ejection of the device cover 1. When the lever 10 is rotated to the closed position, the bottom lip 10c (which is on the same plane 10a as the uppermost portion of the lever 10) does not contact the chassis 50. Rather, the bottom lip 10c only contacts the chassis when the lever 10 is rotated to the open position by moving the bottom lip 10c downward and inward toward the chassis. (See col. 6, lines 42-48). Since the upper tip of the lever 10 is on same plane 10a as the bottom lip 10c, it is mechanically impossible for the upper tip of the lever 10 to contact the chassis 50 unless the upper tip were somehow rotated inward.

However, Tirrell shows that the upper tip of the lever only rotates away from the chassis and describes no mechanism for rotating the upper tip of the lever 50 inward. Therefore, the upper tip of the lever 10 cannot contact the chassis 50. Accordingly, Tirrell fails to teach each and every element of claim 18 and the rejection should be withdrawn. Claim 20 is dependent on claim 19 and is patentable on its own merits as well as based upon its dependency on claim 19.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition,

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because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the above amendments and remarks, therefore, all of the claims should be in condition for allowance. A formal notice to that effect is respectfully solicited.

Applicant asks that all claims be allowed. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,



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